

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
San Angelo Division

SILENCER SHOP FOUNDATION; GUN OWNERS OF AMERICA; FIREARMS REGULATORY ACCOUNTABILITY COALITION; B&T USA, LLC; PALMETTO STATE ARMORY, LLC; SILENCERCO WEAPONS RESEARCH, LLC (d/b/a SILENCERCO); GUN OWNERS FOUNDATION; and BRADY WETZ,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; DANIEL DRISCOLL, in his Official Capacity as ACTING DIRECTOR OF THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; and PAMELA BONDI, in her Official Capacity as ATTORNEY GENERAL OF THE UNITED STATES;

Defendants.

Case No. _____

DECLARATION OF ERICH M. PRATT

1. My name is Erich M. Pratt. I am a U.S. citizen and resident of Virginia. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained herein.

2. I am the Senior Vice President of Gun Owners of America, Inc. ("GOA"), and the Senior Vice President of Gun Owners Foundation ("GOF").

3. In that capacity, I oversee staff that is in daily contact with members and supporters regarding their concerns, questions, requests, and suggestions on how GOA and GOF can best represent their interests.

4. Gun Owners of America, Inc. is a California non-stock corporation with its principal place of business in Springfield, Virginia. GOA is organized and operated as a nonprofit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve and defend the Second Amendment rights of gun owners. GOA has more than 2 million members and supporters across the country, including residents of this district, many of whom will be irreparably harmed by the provisions of the National Firearms Act (“NFA”) requiring the registration of certain firearms with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).

5. Gun Owners Foundation is a Virginia non-stock corporation with its principal place of business in Springfield, Virginia. GOF is organized and operated as a nonprofit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF is supported by gun owners across the country, including Texas residents, many of whom are and will be irreparably harmed by the provisions of the National Firearms Act (“NFA”) requiring the registration of certain firearms with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). Donations by supporters of GOF fund the organization’s activities, including litigation such as this to defend their right to keep and bear arms.

6. GOF funds its litigation efforts, in part, by way of individual contributions, along with contributions received from individuals through the Combined Federal Campaign. GOF’s supporters provide the funds directly used to support GOF’s litigation efforts, which efforts would

be impossible without contributions from our supporters. Our supporters contribute to GOF specifically so that we can bring litigation like this. As part of keeping its supporters up to date on this and other litigation, and various other Second Amendment topics, GOF provides its supporters with a newsletter which provides updates directly to them, keeping them advised of what GOF is doing.

7. GOA's members and GOF's supporters overwhelmingly desire that GOA and GOF be involved in this case, as it directly impacts wide swaths of protected Second Amendment conduct.

8. As soon as the "One Big Beautiful Bill" ("OBBB") began working its way through the House, GOA and GOF worked to have Congress eliminate entirely the registration requirements and associated tax for NFA weapons. Language repealing the registration requirements was ultimately included in the version of the O BBB passed by the House.

9. However, after the Senate began to debate the House version of the O BBB, the Senate Parliamentarian "ruled" that the House's NFA language did not satisfy the "Byrd Rule," and thus stripped that language from the bill.

10. Ultimately, the Senate version of the O BBB was amended, adding language that set the NFA tax at \$0 (zero dollars), down from \$200, which satisfied the Parliamentarian and was ultimately passed by the Senate. However, even though reducing the "tax" to zero, the Senate version of the O BBB did not repeal the NFA registration provisions, which are ancillary to proving the payment of NFA taxes. Thus, the vestigial registration provisions for short-barreled firearms and silencers now remain, even though there is no making or transfer tax for the registration provisions to 'prove.'

11. The Senate transmitted its version of the O BBB back to the House, which then agreed with the Senate version on July 3, 2025, and transmitted it to the President for signature.

12. President Trump then signed the OBBB on July 4, 2025.

13. The relevant provisions of the OBBB – those reducing the tax for many NFA firearms from \$200 to \$0 – take effect on January 1, 2026.

14. Traditionally, law-abiding Americans have been able to manufacture, acquire, and possess firearms largely without government oversight, and certainly without permission, registration, or taxation.

15. GOA and GOF's members and supporters desire and overwhelmingly support our involvement in litigation to protect their right to acquire firearms easily and unimpeded by government, a right that is being unconstitutionally infringed by the ongoing registration requirements of the NFA.

16. As noted, GOA and GOF together have more than two million members and supporters nationwide, including many within this district. In addition to the multitudes of individual gun owners who are our members, GOA and GOF also represent countless FFLs (both as entities and as individuals), along with numerous GOA Industry Partners within the firearms industry and community, representing manufacturers, suppliers, distributors, and retailers of firearms, including NFA “firearms.”

17. Throughout the OBBB debate, and ultimately its passage into law, GOA and GOF have heard from members and supporters who will be directly impacted, because in the past they have bought and also made NFA-regulated weapons, and wish to do so again in the future after January 1, 2026. However, our members and supporters do not wish to comply with the invasive registration requirement of the NFA. Indeed, now that there is no tax associated with such registration, there is no reason for the weapons to be registered at all.

18. But for the hefty criminal penalties in the NFA (10 years for unregistered ownership,

transfer, receipt, or simple possession), and the accompanying serious risk of armed confrontation by federal agents, arrest, prosecution, and imprisonment, our members and supporters would manufacture, purchase, acquire, and possess NFA firearms – including silencers, short-barreled shotguns, and short-barreled rifles – without complying with the NFA’s registration provisions.

19. Indeed, these invasive registration requirements infringe on the constitutional rights of our members and supporters and are wholly unsupported by any constitutional power granted to the federal government.

20. The current process of purchasing an NFA-regulated weapon is complicated and burdensome.

21. First, a person must decide if they will buy an already manufactured NFA weapon, or if they will make it themselves. If they decide to purchase one already manufactured, they must fill out an ATF Form 5320.4 (“Form 4”) and must provide fingerprints, photographs, and other personally identifying information such as a birth date and home address. If they wish to make their own NFA-regulated weapon, then that person will fill out an ATF Form 5320.1 (“Form 1”). Both of these forms require substantially the same information, but one is used for “making” (Form 1) and the other for transferring (Form 4). These Forms must be completed in duplicate.

22. Second, prior to the OBBB, the person was required to pay a \$200 tax to the ATF, payment of which was evidenced by a “tax stamp” which ATF affixed to an approved Form 1 or Form 4.

23. Third, a person attempting to acquire an NFA firearm must submit the Form 1 to the ATF (or in the case of a Form 4, the dealer will submit it to the ATF). Separately, the Form 1 or Form 4 must be provided to the person’s local chief law enforcement officer, offering that official the opportunity to object to the NFA firearm’s manufacture or transfer.

24. Then, the wait begins.

25. Since there is no timeframe for the ATF to process the Forms, the time for approval varies widely depending on the type of Form at issue. Historically, the process for various ATF forms has taken anywhere from 9 to 14 months. Recently, the ATF has improved the processing times for some forms, and for some types of entities (such as individuals versus trusts), but not for others. Regardless, there is no set timeframe for the ATF to act.

26. GOA and GOF have been in contact with members and supporters nationwide who no longer wish to submit these Forms to the ATF for registration of their weapons since there is now no tax-related requirement for registration. Nor do these members and supporters want the federal government keeping a record – a registry – of the firearms that they possess.

27. First, some of our members and supporters object to the invasive and complicated process of filing Forms with the ATF, but also having to send them to their local chief law enforcement officers who hold a veto power over their Forms being approved by the ATF.

28. The ATF itself states that the “estimated average burden associated with” filling out a Form 4 “is 3.78 hours per respondent....”¹ This means that, for every weapon a person either makes or purchases, approximately 3.78 hours of that person’s life is wasted on a government form. And after enactment of the OBBB provisions, there is not even an arguably taxing power reason for these requirements.

29. Second, other members and supporters have never before either made or purchased an NFA-regulated weapon, and will not make or purchase one until the required registration is eliminated.

30. Third, some of our members and supporters have purchased and made multiple NFA-

¹ See <https://www.atf.gov/firearms/docs/form/form-4-application-tax-paid-transfer-and-registration-firearm-atf-form-53204/download> at 4.

regulated weapons when the \$200 tax was required but, going forward, will not make or purchase any NFA item until the effective date of the OBBB's provision eliminating the \$200 tax.

31. For example, GOA spoke to one member who has never filed a Form 1 or a Form 4 due to the onerous, invasive, and complicated registration process. This member would acquire short-barreled rifles, short-barreled shotguns, and silencers, but for the paperwork and registration requirements of the NFA.

32. Another of GOA's members, Plaintiff Brady Wetz, explains that the ATF's registration process for NFA items is an "arrest-like procedure[]," comparing being photographed, fingerprinted, and divulging "personally identifying information entered into a government database" to being arrested for a crime.

33. GOA spoke to another member who said that they have manufactured a Form 1 suppressor and paid the \$200 tax to the ATF, but will never submit another registration form for a firearm, until the registration and paperwork provisions of the NFA are struck down.

34. Another GOA member stated that they desire to use their 3D printer to print a silencer, and also a lower receiver for an AR-15 which this member then intends to build into a short-barreled rifle with parts that the member already possesses, without having to go through the NFA's required registration and paperwork process.

35. Finally, another GOA member stated that they are concerned that their local chief of police, who is required to receive a copy of the Form they file with the ATF, may not have the same privacy standards with respect to tax information that the federal government is subjected to, and worries that their personal information – including records of their gun ownership – may fall into the wrong hands.

I, Erich M. Pratt, declare under penalty of perjury that the foregoing is true and correct.

7/4/2025

DATE

Erich Pratt

ERICH M. PRATT